

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6673

BILL NUMBER: SB 351

NOTE PREPARED: Jan 10, 2003

BILL AMENDED:

SUBJECT: Vehicle Maximum Weight Scale Tolerances.

FIRST AUTHOR: Sen. Meeks R

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a penalty may not be imposed upon an overweight vehicle unless the scale weight of the vehicle exceeds the registered weight by more than 5%. (Current law provides an allowance of 1.5%.) It provides that a penalty may not be imposed for an overweighted axle unless the axle weight exceeds the allowable axle weight by more than 5%.

Effective Date: July 1, 2003.

Explanation of State Expenditures: For the Indiana State Police (ISP), fewer overweight citations would be issued. In 2001, the ISP made 510 arrests for "over registered weight" violations. The funds affected are the state General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund.

Explanation of State Revenues: *Summary:* According to the Federal Highway Administration (FHWA), this proposal would conflict with Federal weight standards if enacted in this form. Consequently, the Indiana Department of Transportation (INDOT) reports that the provisions of this proposal could result in the loss of Indiana's National Highway System Apportionment funds, which amounted to \$135 M in FY 2002.

Background: According to the Federal Highway Administration, the margin of error of platform scales is very small, on the order of 0.1% for new and 0.2% for recalibrated scales. Portable scales, on the other hand, are much less accurate, and FHWA allows a tolerance of up to 5% "when using portable scales (wheel-load weighers)," though the margin of error even of these scales rarely exceeds 2-3% [23 CFR 658.17(g)]. "Since there is no indication (1) that the proposed 5% tolerance is limited to weights measured with wheel-load weighers or (2) that the 5% tolerance is prohibited on the Interstate System, proposed IC 9-20-4-5 conflicts with Federal law and regulations and, if adopted, could result in the withholding of Indiana's entire National Highway System (NHS) apportionment."

The penalty provision of violation of IC 9-20-4-3 is a Class C infraction. Increasing the weight tolerance could result in fewer violations. If fewer court cases occur from the increased weight tolerance, revenue to the state General Fund may decrease if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If fewer court actions are filed and judgments entered, local governments would receive less revenue.

State Agencies Affected: Department of Transportation; State Police.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Roger Manning, Manager, Office of Communications, Department of Transportation, 233-4675; Clem Ligocki, Indiana Division of the Federal Highway Administration, 226-7489; Jay Dumontel, Indiana Division, Federal Highway Administration, 226-7482; Kathy Busby, Federal Highway Administration, Washington, D.C., 202-366-2997; Robert Davis, Federal Highway Administration, Washington, D.C., 202-366-2997.

Fiscal Analyst: James Sperlik, 317-232-9866.